



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6064

Introduced 2/11/2016, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

305 ILCS 5/1-8.6 new
410 ILCS 535/12

Amends the Vital Records Act. Removes a provision concerning use of the biological father's name on the birth certificate if not married to the biological mother. Provides that if the unmarried mother cannot or refuses to name the child's father, either a father must be conclusively established by DNA evidence or, within 30 days after birth, another family member who will financially provide for the child must be named, in court, on the birth certificate. Provides that absent DNA evidence or a family member's name, a birth certificate will not be issued and the mother will be ineligible for financial aid from the State for support of the child. Provides an exception for artificially inseminated mothers. Amends the Illinois Public Aid Code. Provides that a family that does not comply with the Vital Records Act provision concerning birth certificates of unmarried mothers shall be ineligible for aid for support of the child. Effective immediately.

LRB099 16481 MJP 40816 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 1-8.6 as follows:

6 (305 ILCS 5/1-8.6 new)

7 Sec. 1-8.6. Birth certificates. A family unit shall be
8 ineligible for any financial aid provided under this Code for
9 the support of a child who has not been issued a birth
10 certificate as provided in subsection (10) of Section 12 of the
11 Vital Records Act.

12 Section 10. The Vital Records Act is amended by changing
13 Section 12 as follows:

14 (410 ILCS 535/12)

15 Sec. 12. Live births; place of registration.

16 (1) Each live birth which occurs in this State shall be
17 registered with the local or subregistrar of the district in
18 which the birth occurred as provided in this Section, within 7
19 days after the birth. When a birth occurs on a moving
20 conveyance, the city, village, township, or road district in
21 which the child is first removed from the conveyance shall be

1 considered the place of birth and a birth certificate shall be
2 filed in the registration district in which the place is
3 located.

4 (2) When a birth occurs in an institution, the person in
5 charge of the institution or his designated representative
6 shall obtain and record all the personal and statistical
7 particulars relative to the parents of the child that are
8 required to properly complete the live birth certificate; shall
9 secure the required personal signatures on the hospital
10 worksheet; shall prepare the certificate from this worksheet;
11 and shall file the certificate with the local registrar. The
12 institution shall retain the hospital worksheet permanently or
13 as otherwise specified by rule. The physician in attendance
14 shall verify or provide the date of birth and medical
15 information required by the certificate, within 24 hours after
16 the birth occurs.

17 (3) When a birth occurs outside an institution, the
18 certificate shall be prepared and filed by one of the following
19 in the indicated order of priority:

20 (a) The physician in attendance at or immediately after
21 the birth, or in the absence of such a person,

22 (b) Any other person in attendance at or immediately
23 after the birth, or in the absence of such a person,

24 (c) The father, the mother, or in the absence of the
25 father and the inability of the mother, the person in
26 charge of the premises where the birth occurred.

1 (4) ~~Unless otherwise provided in this Act, if the mother~~
2 ~~was not married to the father of the child at either the time~~
3 ~~of conception or the time of birth, the name of the father~~
4 ~~shall be entered on the child's birth certificate only if the~~
5 ~~mother and the person to be named as the father have signed an~~
6 ~~acknowledgment of parentage in accordance with subsection (5).~~

7 Unless otherwise provided in this Act, if the mother was
8 married at the time of conception or birth and the presumed
9 father (that is, the mother's husband) is not the biological
10 father of the child, the name of the biological father shall be
11 entered on the child's birth certificate only if, in accordance
12 with subsection (5), (i) the mother and the person to be named
13 as the father have signed an acknowledgment of parentage and
14 (ii) the mother and presumed father have signed a denial of
15 paternity.

16 (5) Upon the birth of a child to an unmarried woman, or
17 upon the birth of a child to a woman who was married at the time
18 of conception or birth and whose husband is not the biological
19 father of the child, the institution at the time of birth and
20 the local registrar or county clerk after the birth shall do
21 the following:

22 (a) Provide (i) an opportunity for the child's mother
23 and father to sign an acknowledgment of parentage and (ii)
24 if the presumed father is not the biological father, an
25 opportunity for the mother and presumed father to sign a
26 denial of paternity. The signing and witnessing of the

1 acknowledgment of parentage or, if the presumed father of
2 the child is not the biological father, the acknowledgment
3 of parentage and denial of paternity conclusively
4 establishes a parent and child relationship in accordance
5 with Sections 5 and 6 of the Illinois Parentage Act of 1984
6 and with the Illinois Parentage Act of 2015 on and after
7 the effective date of that Act.

8 The Department of Healthcare and Family Services shall
9 furnish the acknowledgment of parentage and denial of
10 paternity form to institutions, county clerks, and State
11 and local registrars' offices. The form shall include
12 instructions to send the original signed and witnessed
13 acknowledgment of parentage and denial of paternity to the
14 Department of Healthcare and Family Services. The
15 acknowledgement of paternity and denial of paternity form
16 shall also include a statement informing the mother, the
17 alleged father, and the presumed father, if any, that they
18 have the right to request deoxyribonucleic acid (DNA) tests
19 regarding the issue of the child's paternity and that by
20 signing the form, they expressly waive such tests. The
21 statement shall be set forth in bold-face capital letters
22 not less than 0.25 inches in height.

23 (b) Provide the following documents, furnished by the
24 Department of Healthcare and Family Services, to the
25 child's mother, biological father, and (if the person
26 presumed to be the child's father is not the biological

1 father) presumed father for their review at the time the
2 opportunity is provided to establish a parent and child
3 relationship:

4 (i) An explanation of the implications of,
5 alternatives to, legal consequences of, and the rights
6 and responsibilities that arise from signing an
7 acknowledgment of parentage and, if necessary, a
8 denial of paternity, including an explanation of the
9 parental rights and responsibilities of child support,
10 visitation, custody, retroactive support, health
11 insurance coverage, and payment of birth expenses.

12 (ii) An explanation of the benefits of having a
13 child's parentage established and the availability of
14 parentage establishment and child support enforcement
15 services.

16 (iii) A request for an application for child
17 support enforcement services from the Department of
18 Healthcare and Family Services.

19 (iv) Instructions concerning the opportunity to
20 speak, either by telephone or in person, with staff of
21 the Department of Healthcare and Family Services who
22 are trained to clarify information and answer
23 questions about paternity establishment.

24 (v) Instructions for completing and signing the
25 acknowledgment of parentage and denial of paternity.

26 (c) Provide an oral explanation of the documents and

1 instructions set forth in subdivision (5) (b), including an
2 explanation of the implications of, alternatives to, legal
3 consequences of, and the rights and responsibilities that
4 arise from signing an acknowledgment of parentage and, if
5 necessary, a denial of paternity. The oral explanation may
6 be given in person or through the use of video or audio
7 equipment.

8 (6) The institution, State or local registrar, or county
9 clerk shall provide an opportunity for the child's father or
10 mother to sign a rescission of parentage. The signing and
11 witnessing of the rescission of parentage voids the
12 acknowledgment of parentage and nullifies the presumption of
13 paternity if executed and filed with the Department of
14 Healthcare and Family Services (formerly Illinois Department
15 of Public Aid) within the time frame contained in Section 5 of
16 the Illinois Parentage Act of 1984 or Section 307 of the
17 Illinois Parentage Act of 2015 on and after the effective date
18 of that Act. The Department of Healthcare and Family Services
19 shall furnish the rescission of parentage form to institutions,
20 county clerks, and State and local registrars' offices. The
21 form shall include instructions to send the original signed and
22 witnessed rescission of parentage to the Department of
23 Healthcare and Family Services.

24 (7) An acknowledgment of paternity signed pursuant to
25 Section 6 of the Illinois Parentage Act of 1984 or Section 302
26 of the Illinois Parentage Act of 2015 on and after the

1 effective date of that Act may be challenged in court only on
2 the basis of fraud, duress, or material mistake of fact, with
3 the burden of proof upon the challenging party. Pending outcome
4 of a challenge to the acknowledgment of paternity, the legal
5 responsibilities of the signatories shall remain in full force
6 and effect, except upon order of the court upon a showing of
7 good cause.

8 (8) When the process for acknowledgment of parentage as
9 provided for under subsection (5) establishes the paternity of
10 a child whose certificate of birth is on file in another state,
11 the Department of Healthcare and Family Services shall forward
12 a copy of the acknowledgment of parentage, the denial of
13 paternity, if applicable, and the rescission of parentage, if
14 applicable, to the birth record agency of the state where the
15 child's certificate of birth is on file.

16 (9) In the event the parent-child relationship has been
17 established in accordance with subdivision (a)(1) of Section 6
18 of the Parentage Act of 1984, the names of the biological
19 mother and biological father so established shall be entered on
20 the child's birth certificate, and the names of the surrogate
21 mother and surrogate mother's husband, if any, shall not be on
22 the birth certificate.

23 (10) If an unmarried mother cannot or refuses to name the
24 child's father at the time of birth, either:

25 (a) a father must be conclusively established by DNA
26 evidence; or

1 (b) within 30 days after birth, another family member
2 who will financially provide for the child must be named,
3 in court, on the birth certificate.

4 If neither condition is met, a birth certificate shall not
5 be issued for the child and the mother will be ineligible for
6 any financial aid provided under the Illinois Public Aid Code
7 for the support of the child.

8 However, if an artificially inseminated mother wishes to
9 raise the child on her own, she may obtain a birth certificate
10 for the child with only her name on the birth certificate if
11 she signs a release stating that she waives her rights to any
12 financial aid provided under the Illinois Public Aid Code for
13 the support of the child.

14 (Source: P.A. 99-85, eff. 1-1-16.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.